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10/603,615	06/26/2003	Fumito Takemoto	Q76221	2208

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EXAMINER	
CARTER, AARON W	
ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,615	TAKEMOTO, FUMITO	
	Examiner	Art Unit	
	AARON W. CARTER	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to papers filed on 2/9/09.

Response to Amendment

2. In response to applicant's amendment received on 2/9/09, all requested changes to the claims have been entered. Currently claims 1-24 are pending.

Response to Arguments

3. Applicant's arguments, see Remarks, filed 2/9/09, with respect to the rejection(s) of claim(s) 1, 3, 5 and 13 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2003/0190090 to Beeman et al.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 5, 7-9, 12-15 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0190090 to Beeman et al. ("Beeman").

As to claim 1, Beeman discloses an image data processing method for a portable terminal apparatus comprising:

Obtaining first image data by photography performed by the portable terminal apparatus (*Fig. 3, image "A" and paragraph 41, wherein related images are obtained by an image-acquisition device or devices which maybe digital cameras, image "A" corresponds to the first image data, paragraph 28 states the image enhancer may be implemented by the image-acquisition device, the image-acquisition device corresponds to a portable terminal apparatus, see paragraph 29 and 37, since it may comprise a processor, memory, input devices, output devices and a wireless network interface that allows communication with other image acquisition devices, see also paragraphs 34-36*);

Administering image processes on the first image data to obtain processed image data in the portable apparatus (*paragraph 28 states the image enhancer may be implemented by the image-acquisition device and, wherein the user identifies a portion of the image "A" which is cut out and substituted with a portion selected by the user from image "B", see paragraphs 303-306*);

Combining by the portable terminal apparatus other image data transmitted by other portable terminal apparatuses with the first image data to obtain synthesized image (*paragraph 34-37, 41-43 and 303-304, wherein a related image "B" corresponds to other image data, which may be obtained by other image acquisition devices (other portable terminal apparatuses) and*

transmitted via the network interface to the image-acquisition device implementing the image enhancer. The user may select a portion of image "B" to be synthesized with image "A"); and

Displaying on the portable terminal apparatus the synthesized image (*paragraphs 35 and 306, wherein the modified image is presented*),

Wherein said administering of image processes comprises a user selecting a portion of the first image data and cutting the first image data to obtain the processed image data comprising the selected portion of the first image data (*paragraphs 303-306, wherein the user selects a portion of the image "A" which is cut out and substituted with a portion selected by the user from image "B"*).

As to claim 3, please refer to the rejection of claim 1 above.

As to claim 5, please refer to the rejection of claim 1 above.

As to claim 7, Beeman discloses the image data processing method as defined in claim 1, wherein said combining comprises:

Obtaining first user input designating a portion of the first image data that is to be kept (*paragraph 304*);

Cutting the remaining of the first image based on the first user input (*paragraphs 304 and 305*);

Obtaining second user input designating a portion of the other image data that is to be kept (*paragraph 305*);

Cutting the remaining other image data based on the second user input (*paragraphs 305 and 306*); and

Synthesizing the portion of first image and the portion of the second image into a single synthesized image based on third user input (*paragraph 305 and 306*).

As to claim 8, Beeman disclose the image data processing method as defined in claim 1, wherein the other image data is obtained by photography performed by the other portable terminal apparatuses (*paragraph 34-37, 41-43 and 303-304, wherein a related image "B" corresponds to other image data, which may be obtained by other image acquisition devices (other portable terminal apparatuses)*).

As to claim 9, Beeman disclose the image data processing method as defined in claim 1, wherein the first image data and other image data are still images (*Fig. 5 and paragraph 22 and 28).*

As to claim 12, Beeman disclose the image data processing method as defined in claim 1, wherein the obtaining of the first image data and the combining of the first image data with the other image data is performed in same portable terminal apparatus (*paragraph 28, wherein the image acquisition device may implement the image enhancer*).

As to claim 13, please refer to the rejection of claim 1 above.

As to claim 14, Beeman discloses the image data processing system as defined in claim 13, wherein the second image data is obtained by a camera built into the second portable terminal (*paragraphs 22 and 28, wherein the image acquisition device implementing the image enhancer may be a digital camera*).

As to claim 15, Beeman discloses the image data processing system as defined in claim 13, wherein the second portable terminal comprises a processing module for processing the second image, said processing comprises at least one of density correction, white balance adjustment, gradation correction, color correction, enlargement, and sharpness correction (*paragraph 298*).

As to claim 21, Beeman discloses the method as defined in claim 1, further comprising:

the user selecting the portion of the first image captured by the portable terminal apparatus data via a trimming frame user interface on the portable terminal apparatus (*paragraphs 304-307*);

cutting, by the portable terminal apparatus, the first image data to obtain a new first image comprising only the user selected portion of the first image data (*paragraphs 304-307*);

the user selecting a portion of the other image data received by the portable terminal apparatus from one of the other portable terminal apparatuses via the trimming frame user interface, wherein the other image data was captured by photography performed by the other portable terminal apparatuses (*paragraphs 304-307*);

cutting, by the portable terminal apparatus, the other image data to obtain a new second image comprising only the user selected portion of the other image data (*paragraphs 304-307*);

obtaining a single synthesized image by combining the new first image with the new second image (*paragraphs 304-307*).

As to claim 22, Beeman discloses the method as defined in claim 21, wherein the single synthesized image is transmitted to at least one of the other portable terminal apparatuses (*paragraphs 29 and 34*).

As to claim 23, Beeman discloses the method as defined in claim 21, wherein the single synthesized image is printed (*paragraph 35*).

As to claim 24, Beeman discloses the method as defined in claim 1, wherein the synthesized image is transmitted to the other portable terminal apparatuses (*paragraphs 29 and 34*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman in view of US 2002/0048413 to Kusunoki (already of record).

As to claim 2, Beeman discloses an image data processing method as defined in claim 1.

Beeman does not disclose expressly wherein the synthesized image data is obtained by cutting a portion of images representing the other image data and a portion of an image representing the first image data to match the size of a display displaying the synthesized image.

However, Kusunoki discloses synthesized image data is obtained by cutting a portion of images representing the other image data and a portion of an image representing the first image data to match the size of a display displaying the synthesized image (*paragraphs 106 and 107*).

Beeman & Kusunoki are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the process of obtaining a synthesized image data by cutting a portion of images to match the size of a display displaying the synthesized image, as taught by Kusunoki, with the method of image data processing disclosed by Beeman.

The suggestion/motivation for doing so would have been to provide an imaging system that is easy to operate, and improved work-efficiency of forming an image, especially a synthetic image, and produces a high quality image (*Kusunoki, paragraph 9*).

Therefore, it would have been obvious to combine Beeman with Kusunoki to obtain the invention as specified in claim 2.

As to claim 4, refer to the rejection of claim 2 above.

As to claim 6, refer to the rejection of claim 2 above.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman in view of US 2006/0125927 to Watanabe.

As to claim 10, Beeman discloses the image data processing method as defined in claim 1.

Beeman does not disclose expressly receiving user input designating intended use for the obtained first image and generating location data based on the user input, wherein the location data designates a location for performing the image processes, wherein different image processes are performed at different locations.

However, Watanabe discloses an image data processing method comprising receiving user input designating intended use for the obtained first image (*Fig. 6 and 7 and paragraphs 115-117*) and generating location data based on the user input, wherein the location data designates a location for performing the image processes, wherein different image processes are performed at different locations (*Figs 9 and paragraph 121, Fig. 23 and paragraph 201, wherein location data of the image processes corresponds to the phone number of the other cell phone or the initiation of communication with the printer*).

Beeman & Watanabe are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the process of receiving user input and generating location data, as taught by Watanabe, with the image data processing method disclosed by Beeman.

The suggestion/motivation for doing so would have been to provide a process of transmitting image data in a relatively short period of time (*Watanabe, paragraph 9*).

Therefore, it would have been obvious to combine Beeman with Watanabe to obtain the invention as specified in claim 10.

As to claim 11, the combination of Beeman and Watanabe disclose the image data processing method as defined in claim 10, wherein the different locations comprise the portable terminal apparatuses *(Watanabe, Figs 9 and paragraph 121)*, an image server remote from the portable terminal apparatuses (*Watanabe, paragraphs 122, 125 and 126, wherein the digital still camera corresponds to the image server remote from the portable terminal apparatuses*), and a printing laboratory remote from the image server and the portable terminal apparatuses (*Watanabe, Fig. 23 and paragraph 201).*

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman in view of US 2003/0140104 to Watanabe et al. ("Watanabe").

As to claim 16, Beeman discloses the image data processing system as defined in claim 13, further comprising an image server, wherein the image server comprises a communication module that transmits and receive image data from the first and second portable terminal

apparatuses and a processing module that processes the received image data (*Fig. 1, elements 16, 18 and 20*).

Beeman does not disclose expressly a location generating module that generates an URL location indicating where the received image data is stored, and an email generating module that generates an email message having the generated URL location for the received image data.

However, Watanabe discloses a system for image data processing including a location generating module that generates an URL location indicating where the received image data is stored, and an email generating module that generates an email message having the generated URL location for the received image data (*paragraph 47 and 48*).

Beeman & Watanabe are combinable because they are from art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the location generating module and email generating module, as taught by Watanabe, to the system for image data processing disclosed by Beeman.

The suggestion/motivation for doing so would have been to save transmission costs of email attached with image and to save memory resource (*Watanabe, paragraph 5*).

Therefore, it would have been obvious to combine Beeman with Watanabe to obtain the invention as specified in claim 16.

10. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman and Watanabe in view of USPN 6,519,048 to Tanaka.

As to claim 17, the combination of Beeman and Watanabe discloses the image data processing system as defined in claim 16.

The combination of Beeman and Watanabe does not disclose expressly a printing laboratory, wherein the printing laboratory comprises a communication module that transmits and receives image data from the first and second portable terminal apparatuses, and a notifying module that notifies at least one of the first and second portable terminal apparatuses when the received image data is printed.

However, Tanaka discloses an image data processing system including a printing laboratory, wherein the printing laboratory comprises a communication module that transmits and receives image data from the first and second portable terminal apparatuses, and a notifying module that notifies at least one of the first and second portable terminal apparatuses when the received image data is printed (*column 4, lines 11-30 and column 6, line 66 – column 7, line 17*).

Beeman, Watanabe & Tanaka are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the printing laboratory, as taught by Tanaka, with the image data processing system disclosed by Beeman and Watanabe.

The suggestion/motivation for doing so would have been to provide an information processing apparatus in which an output result of a print or the like can be promptly, easily, and visually confirmed on a issuer of a job such as a print or the like (*Tanaka, column 2, lines 32-36*).

Therefore, it would have been obvious to combine Beeman and Watanabe with Tanaka to obtain the invention as specified in claim 17.

As to claim 18, the combination of Beeman, Watanabe and Tanaka disclose the image data processing system as defined in claim 17, wherein each of the first and second portable terminal apparatuses and the printing laboratory comprises a download module that reads the email message generated by the image server and obtains the URL location from the email message and downloads image data designated by the URL location (*Watanabe, paragraph 29 and Tanaka, column 10, lines 3-8*).

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman, Watanabe and Tanaka in view of US 2006/0125927 to Watanabe ("Watanabe2").

As to claim 19, the combination of Beeman, Watanabe and Tanaka discloses the image data processing system as defined in claim 18, wherein each of the first and second portable terminal apparatuses comprises an input module that receives user input (*Beeman, paragraph 34*).

The combination Beeman, Watanabe and Tanaka does not disclose expressly wherein the user input comprises designating intended use for a respective image data from the first and second image data, and wherein, based on the designated intended use, one of the processing modules of the respective portable terminal apparatus, the image server, and the printing laboratory processes the respective image data.

However, Watanabe2 discloses an image data processing system wherein portable terminal apparatuses comprise an input module that receives user input (*Fig. 6 and 7 and paragraphs 115-117*), and wherein the user input comprises designating intended use for a

respective image data, and wherein, based on the designated intended use, one of the processing modules of the respective portable terminal apparatus, the image server, and the printing laboratory processes the respective image data (*Fig. 6 and 7 and paragraphs 115-117, 121, 122, 125, 126, 196 and 201*).

Beeman, Watanabe, Tanaka & Watanabe2 are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the process of designating intended use for image data in accordance with user input, as taught by Watanabe2, with the image data processing system disclosed by the combination of Beeman, Watanabe and Tanaka.

The suggestion/motivation for doing so would have been to provide a process of transmitting image data in a relatively short period of time (*Watanabe2, paragraph 9*).

Therefore, it would have been obvious to combine Beeman, Watanabe and Tanaka with Watanabe2 to obtain the invention as specified in claim 19.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman.

As to claim 20, Beeman discloses the image data processing system as defined in claim 13, wherein the first and second portable terminal apparatuses can be digital cameras.

Beeman does not disclose expressly wherein the first and second portable terminal apparatuses are cellular telephones.

It is well known in the art of electrical engineering that a cellular telephone can be incorporated with a digital camera. Therefore the Examiner takes Official Notice that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a cellular telephone incorporated with a digital camera in place of the digital camera disclosed by Beeman. Supporting evidence is provided by US2002/0077069 to Heurtaux and USPN 6,122,526 to Parulski et al.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON W. CARTER whose telephone number is (571)272-7445. The examiner can normally be reached on 9am - 5:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron W Carter/
Primary Examiner, Art Unit 2624